

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

VERIFONE, INC.,

Plaintiff,

v.

POYNT CO.,

Defendant.

C.A. No. 16-105-SLR

**DECLARATION OF GUY YONAY IN SUPPORT OF PLAINTIFF VERIFONE'S
MOTION FOR PRELIMINARY INJUNCTION**

I, Guy Yonay, hereby declare and state as follows:

1. I am a partner with the firm of Pearl Cohen Zedek Latzer Baratz LLP, counsel for Plaintiff VeriFone, Inc. ("Verifone") in this action.
2. I am attaching true and accurate copies of documents referenced in support of Verifone's motion for preliminary injunction.
3. Attached as Exhibit A is a true and correct copy of U.S. Trademark Registration No. 4844307 for the mark VERIFONE POINT.
4. Attached as Exhibit B is a true and correct copy of U.S. Registration No. 4844308 for the mark POINT..
5. Attached as Exhibit C is a true and correct copy of an Office action issued by the Patent and Trademark Office mailed on March 5, 2015 in connection with Trademark Registration No. 4844307 for the mark VERIFONE POINT.

6. Attached as Exhibit D is a true and correct copy of an Office action issued by the Patent and Trademark Office mailed on March 5, 2015 in connection with Trademark Registration No. 4844308 for the mark POINT..

7. Attached as Exhibit E is a true and correct screenshot taken from <https://poynt.com/>, stating that “The Poynt Smart Terminal is a future-proof device that accepts magnetic stripe, EMV (also known as chip cards), NFC, Bluetooth and QR code payment technologies. You are ready to accept your customers’ favorite payment methods: Apple Pay, chip-and-pin, mobile apps, and whatever else the future brings” and “Purpose-built from the ground up with your and your customers’ security and privacy as a priority. The Poynt Smart Terminal meets the highest PCI and EMV requirements, comes with 24/7 fraud and tamper detection, and uses state-of-the-art, end-to-end encryption technologies.”

8. Attached as Exhibit F are true and correct screenshots taken at times 0:10 and 0:13 from Defendant Poynt’s promotional video clip, available at <https://poynt.com/>, showing a Verifone terminal being replaced by a Poynt Smart Terminal.

9. Attached as Exhibit G is a true and correct copy of the Poynt Reseller Kit, available at Poynt’s website, available at https://poynt-web.s3.amazonaws.com/press/Poynt_ResellerKit_1012015.pdf.

10. Attached as Exhibit H is a true and correct copy of an article entitled “What Distinguishes Poynt’s Bold Payments Proposition”, which appeared on Fortune.com on February 24, 2016, available at <http://fortune.com/2016/02/24/poynt-osama-bedier/>, stating that Mr. Bedier “thinks his device is worlds better than inadequate tools that work on smartphones (the low end) and antiquated machines sold by market leaders Verifone and Ingenico (the high end).”

11. Attached as Exhibit I is a true and correct copy of an article entitled “Poynt Gets Chase, Vantiv to Partner on Payments”, which appeared in the Wall Street Journal on November 3, 2014, available at <http://blogs.wsj.com/digits/2014/11/03/poynt-gets-chase-vantiv-to-partner-on-payments/>.

12. Attached as Exhibit J is a true and correct excerpt from the LinkedIn profile of Evan Sohn, available at <https://www.linkedin.com/in/evansohn>, previously the Vice President of Sales, North America Financial Services for Verifone, and currently listed as Vice President of Sales, North America Financial Services for Poynt.

13. Attached as Exhibit K is a true and correct copy of an article entitled “Ex-Google Sees Opportunity as Credit Cards Lose the Magnetic Stripe”, which appeared in the Wall Street Journal on October 29, 2014, available at <http://blogs.wsj.com/digits/2014/10/29/ex-googler-sees-opportunity-as-credit-cards-lose-the-magnetic-stripe/>.

14. Attached as Exhibit L are true and correct copies of Verifone’s MOTION TO EXTEND TIME FOR GOOD CAUSE WITHOUT CONSENT OF APPLICANT and Poynt’s MOTION CONTESTING OPPOSER’S MOTION TO EXTEND TIME FOR GOOD CAUSE WITHOUT CONSENT, both filed in the pending opposition proceeding before the Trademark Trial and Appeal Board relating to Poynt’s trademark application on the Poynt mark (Opposition No. 91223944).

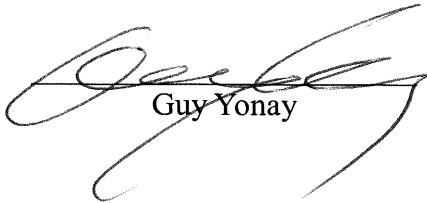
15. Attached as Exhibit M is a true and correct excerpt from a dictionary entry for the word “point”, available at <http://www.merriam-webster.com/dictionary/point>.

16. Attached as Exhibit N is a true and correct copy of a press release entitled “Poynt Becomes Industry’s First PCI PTS and EMV-Certified Smart Terminal Available to All”, dated

October 22, 2015, and available at <https://poynt.com/press/4/poynt-becomes-industrys-first-pci-pts-and-emvcertified-smart-terminal-available-to-all>.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 21, 2016
New York, New York



Guy Yonay

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2016, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on March 21, 2016, upon the following in the manner indicated:

Philip A. Rovner, Esquire
Jonathan A. Choa, Esquire
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Attorneys for Defendant Poynt Co.

VIA ELECTRONIC MAIL

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)